

2005 DRAFTING REQUEST

Bill

Received: 11/11/2004

Received By: **mglass**

Wanted: **As time permits**

Identical to LRB:

For: **Administration-Budget**

By/Representing: **Statz**

This file may be shown to any legislator: **NO**

Drafter: **mglass**

May Contact:

Addl. Drafters:

Subject: **Nat. Res. - fish and game**
 Nat. Res. - miscellaneous

Extra Copies:

Submit via email: **NO**

Pre Topic:

DOA:.....Statz, BB0264 -

Topic:

Management of fisheries within Lac du Flambeau reservation

Instructions:

See Attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?				_____			State
/1	mglass 11/22/2004	wjackson 11/29/2004	rschluet 11/29/2004	_____	lemery 11/29/2004		State
/2	mglass 01/12/2005	wjackson 01/12/2005	jfrantze 01/13/2005	_____	mbarman 01/13/2005		

FE Sent For:

<END>

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Management of water quality, fisheries, and wildlife within Lac du Flambeau reservation

Instructions:

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/1	mglass 11/22/2004	wjackson 11/29/2004	rschluet 11/29/2004		lemery 11/29/2004		
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FE Sent For:

1/2 wlj 1/12
1/13
1/13
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DOA:.....Statz ⁹ ₅ BB026A

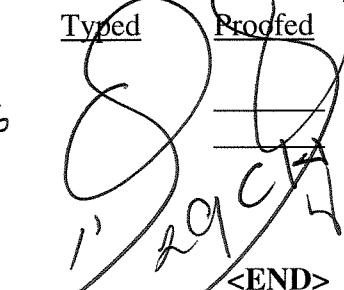
Topic:

Management of water quality, fisheries and wildlife within Lac du Flambeau reservation

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/?	mglass	1 WLj 11/26					

FE Sent For:

<END>

2003-05 Budget Bill Statutory Language Drafting Request

- Topic: Management of water quality, fisheries and wildlife within the Lac du Flambeau reservation
- Tracking Code: (Assigned by Government Operations Team)
- SBO team: ECR
- SBO analyst: Andrew J. Statz
 - Phone: 266-7329
 - Email: andrew.statz@doa.state.wi.us
- Agency acronym: DNR
- Agency number: 370

2005-07 Statutory Language Proposal

DIVISION:	Departmentwide
BUREAU:	Departmentwide
ISSUE/TOPIC:	Lac du Flambeau Contract
PROPOSED CHANGE:	Modify appropriation s.20.370(9)(hk) as follows (added language is in bold type): "From the General Fund, the amounts in the schedule for the purpose of <u>making payments</u> to the Lac du Flambeau band of the Lake Superior Chippewa under s. <u>29.2295(4)(a)</u> and an amount up to \$50,000 for the purpose of <u>contracting</u> for the management of water quality, fisheries and wildlife within the Lac du Flambeau reservation. "
EXPLANATORY NOTE:	The Department of Natural Resources and the Lac du Flambeau Tribe developed an agreement in 1996 whereby the Tribe limited its walleye harvest, and was provided authority related to the sale of state and tribal fishing licenses and tribal ATV and snowmobile registrations. Under s.29.2295(4)(a), the tribe is eligible to be reimbursed up to \$100,000 annually for the sale of state fishing licenses sold on the reservation. Since the sales have been far short of \$100,000, the added language would permit the Department to contract with the Tribe for water quality, fisheries or wildlife work on the reservation. An example of contracted work is funding for fish stocking on the reservation in waters open to non-Indian fishing.
DESIRED EFFECTIVE DATE:	Budget passage
CONTACT PERSON:	Susan Felker-Donsing 267-2769 or Mike Lutz 267-7456

~~\$100,000~~

1 ~~\$50~~
pay ~~\$50~~
(14)

32
\$ ~~20,000~~
\$ 50,000
get into 2nd yr



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-075311
MGG:.....
Wlj

Please Fix
Request sheet

Soon

DOA:.....Statz BB0264 Management of water quality, fisheries and wildlife
within Lac du Flambeau reservation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION ✓

1 AN ACT ^{Do NOT GEN} relating to the budget. ✓

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES ✓

FISH, GAME, AND WILDLIFE ✓

Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish in exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. (No ft)

In addition, DNR agents may also issue these licenses and stamps on the band's reservation. Current law authorizes DNR to pay the band an amount equal to the amount that the band would receive if the band issued those licenses and stamps. Under current law, this payment is funded by certain moneys received by the state pursuant to Indian gaming compacts. In addition to the payment under current law, this bill authorizes DNR to make an annual payment, not to exceed \$50,000, to the band to be used for management of water quality and fish and wildlife management. (ft)

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 20.370 (9) (hk) of the statutes is amended to read:

20.370 (9) (hk) *Approval fees to Lac du Flambeau band-service funds.* From the general fund, the amounts in the schedule for the purpose of making payments to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a) and (4m). All moneys transferred from the appropriation account under s. 20.505 (8) (hm) 8r. shall be credited to this appropriation account. Notwithstanding s. 20.001 (3) (a), the unencumbered balance on June 30 of each year shall revert to the appropriation account under s. 20.505 (8) (hm).

History: 1971 c. 40, 95; 1971 c. 125 ss. 101 to 121, 522 (1); 1971 c. 211, 215, 277, 330, 336; 1973 c. 12 s. 37; 1973 c. 90, 100; 1973 c. 243 s. 82; 1973 c. 296, 298, 301, 318, 333, 336; 1975 c. 8, 39, 51, 91, 198; 1975 c. 224 ss. 7d, 7f, 7m, 17 to 19p; 1977 c. 29 ss. 181 to 234, 1657 (34); 1977 c. 274, 370, 374, 376, 377; 1977 c. 418 ss. 95 to 110, 929 (37); 1977 c. 421, 432; 1977 c. 447 ss. 42 to 44, 210; 1979 c. 34 ss. 199 to 322, 2102 (39) (a); 1979 c. 221; 1979 c. 361 s. 113; 1981 c. 1, 20, 86, 95, 131, 294, 330; 1981 c. 374 ss. 6, 7, 148, 150; 1983 a. 27 ss. 216m to 269, 2202 (23); 1983 a. 75, 181, 243, 397; 1983 a. 410 ss. 5m to 11, 2202 (38); 1983 a. 413; 1983 a. 416 ss. 1, 19; 1983 a. 426; 1985 a. 16, 22; 1985 a. 29 ss. 282d to 356, 3202 (26) (a), (39) (a), (c), (dm), (i); 1985 a. 46, 60, 65, 120, 202, 296; 1987 a. 27, 98, 110, 290, 295, 298, 305; 1987 a. 312 s. 17; 1987 a. 384, 397, 399, 403, 418; 1989 a. 31, 128, 284, 288, 326; 1989 a. 335 ss. 22nn to 30g, 89; 1989 a. 336, 350, 359, 366; 1991 a. 32; 1991 a. 39 ss. 326b to 394, 594c; 1991 a. 254, 269, 300, 309, 315; 1993 a. 16, 75, 166, 213, 343, 349, 415, 421, 453, 464; 1993 a. 490 ss. 18, 271; 1995 a. 27, 201, 225, 227, 296, 378, 459; 1997 a. 27, 35; 1997 a. 237 ss. 33 to 38d, 727g; 1997 a. 248; 1999 a. 9, 32, 74, 92; 1999 a. 150 s. 672; 1999 a. 185; 2001 a. 16, 56, 92, 108, 109; 2003 a. 33, 228, 251, 310, 314, 321, 327.

SECTION 2. 29.225 (4m) of the statutes is created to read:

29.225 (4m) RESOURCE MANAGEMENT. In addition to any payment made under sub. (4) (b), the department may make an annual payment, not to exceed \$50,000, to the band for the purpose of the management of water quality, fishery management, and wildlife management within the reservation.

SECTION 3. 29.2295 (4) (c) 2. of the statutes is amended to read:

29.2295 (4) (c) 2. If the amount appropriated under s. 20.370 (9) (hk) is insufficient to make ~~all of the payments~~ ^{STET} under this subsection ~~under par. (b)~~ ^{STET} ~~the~~ ^{STET} department shall make the remaining ~~payments~~ ^{STET} from the appropriation under s. 20.370 (9) (ht).

History: 1997 a. 27; 1997 a. 248 s. 309; Stats. 1997 s. 29.2295; 1999 a. 9.

(END)

MOVE SECTION 2

Gibson-Glass, Mary

From: Statz, Andrew
Sent: Monday, January 10, 2005 4:29 PM
To: Gibson-Glass, Mary
Subject: FW: LRB Draft: 05-0753/1 Management of water quality, fisheries, and wildlife within Lac du Flambeau reservation

Importance: High



05-07531.pdf

Please make the attached changes.

> -----Original Message-----

> From: Felker-Donsing, Susan
> [mailto:Susan.Felker-Donsing@dnr.state.wi.us]
> Sent: Monday, January 10, 2005 11:00 AM
> To: Statz, Andrew
> Subject: FW: Lac fu Flambeau statutory language
> Importance: High

>
> Andrew, we have a couple of edits to suggest to this draft, to more
> closely reflect additional discussions we've had with the Lac du Flambeau
> Tribe. They are in the last section of the draft, Section 3, and this is
> how we would like s.29.2295(4m) to be drafted:

>
> * In addition to any payment made under sub.(4)(a), the department
> shall, subject to the agreement required by s.29.2295(5), make an annual
> payment of \$50,000 to the band for the purposes of fishery management
> within the reservation.

>
> There is also a minor change in Section 2, line 11, where the word "under"
> appears twice consecutively.

>
> Please let me know if you have questions about the draft, and thank you
> for letting us comment. --Susan

> -----Original Message-----

> From: Statz, Andrew [mailto:andrew.statz@doa.state.wi.us]
> Sent: Monday, December 06, 2004 2:53 PM
> To: Felker-Donsing, Susan 72769
> Subject: RE: New statutory language

>
> Please take a look and let me know what you think.

>
> <<05-07531.pdf>>

> -----Original Message-----

> From: Felker-Donsing, Susan
> [mailto:Susan.Felker-Donsing@dnr.state.wi.us]
> Sent: Wednesday, November 03, 2004 2:15 PM
> To: Statz, Andrew
> Cc: Grinde, Kirsten; Polasek jr., Joseph P; Lutz, Michael A.
> Subject: New statutory language
> Importance: High

>
> Andrew, attached is a new piece of statutory language we would like you to
> consider for inclusion in the Governor's budget. It is a result of

> ongoing discussions between DNR and the Lac du Flambeau Tribe which seek
> to preserve the state-tribal agreement that limits the spearing harvest of
> walleyes by the Tribe. The Tribe has threatened to withdraw from the
> agreement if modifications in the reimbursement formula are not made. This
> language has only recently been developed, and has not been shared with
> the Legislative Reference Bureau. Please let me or Mike Lutz of our Legal
> Services bureau know if you would like to discuss, or have questions.
> Thanks for reviewing it. --Susan
>
> << File: Lac Du Flambeau statutory language.doc >>

conv. w/ Susan

OK to drop "Subject to" language in sub (4m)



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0753/10

MGG:wlj:ra

RMR
2

please
↓ fix

DOA:.....Statz, BB0264 - Management of water quality, fisheries and wildlife within Lac du Flambeau reservation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

DO NOT GEN

1 AN ACT ...; relating to: the budget.

Analysis by the Legislative Reference Bureau

NATURAL RESOURCES

FISH, GAME, AND WILDLIFE

requires
Under current law, DNR and the Lac du Flambeau band of the Lake Superior Chippewa (band) have in effect an agreement under which the band agrees to limit its treaty-based, off-reservation rights to fish in exchange for the band being able to issue DNR fishing licenses and stamps as an agent of DNR. In addition, DNR agents may issue these licenses and stamps on the band's reservation. Current law authorizes DNR to pay the band an amount equal to the amount that the band would receive if the band issued those licenses and stamps. This payment is funded by certain moneys received by the state pursuant to Indian gaming compacts.

This bill authorizes DNR to make an annual payment, in addition to the payment under current law, not to exceed \$50,000, to the band to be used for management of water quality and fish and wildlife management within the band's reservation.

fishery
For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 20.370 (9) (hk) of the statutes is amended to read:

2 20.370 (9) (hk) *Approval fees to Lac du Flambeau band—service funds.* From
3 the general fund, the amounts in the schedule for the purpose of making payments
4 to the Lac du Flambeau band of the Lake Superior Chippewa under s. 29.2295 (4) (a)
5 and (4m). All moneys transferred from the appropriation account under s. 20.505 (8)
6 (hm) 8r. shall be credited to this appropriation account. Notwithstanding s. 20.001
7 (3) (a), the unencumbered balance on June 30 of each year shall revert to the
8 appropriation account under s. 20.505 (8) (hm).

9 **SECTION 2.** 29.2295 (4) (c) 2. of the statutes is amended to read:

10 29.2295 (4) (c) 2. If the amount appropriated under s. 20.370 (9) (hk) is
11 insufficient to make all of the payments under ~~this subsection~~ under par. (a), the
12 department shall make the remaining payments from the appropriation under s.
13 20.370 (9) (ht).

of \$50,000

14 **SECTION 3.** 29.2295 (4m) of the statutes is created to read:

15 29.2295 (4m) **RESOURCE MANAGEMENT.** In addition to any payment made under
16 sub. (4) (a), the department ~~may~~ ^{shall} make an annual payment, not to exceed \$50,000,
17 to the band for the purposes of water quality management, fishery management, and
18 wildlife management, within the reservation.

19 (END)

and subject to the agreement



State of Wisconsin
2005 - 2006 LEGISLATURE

LRB-0753/2

MGG:wlj:jf

DOA:.....Statz, BB0264 – Management of fisheries within Lac du Flambeau reservation

FOR 2005-07 BUDGET -- NOT READY FOR INTRODUCTION

1 AN ACT ...; relating to: the budget.

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FISH, GAME, AND WILDLIFE

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This bill requires DNR to make an annual payment of \$50,000, in addition to the payment under current law, to the band to be used for fishery management within the band's reservation.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

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29.2295 (4m) RESOURCE MANAGEMENT. In addition to any payment made under sub. (4) (a), the department shall make an annual payment of \$50,000 to the band for the purposes of fishery management within the reservation.

(END)